

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Resolution Room  
Kona Hilton Hotel  
Kailua, Kona, Hawaii

Approved  
4/21/82

February 25, 1982 - 9:30 a.m.

COMMISSIONERS PRESENT: William Yuen, Chairman  
Carol Whitesell, Vice Chairman  
Everett Cuskaden  
Richard Choy  
Shinsei Miyasato  
Phil Tacbian  
Robert Tamaye

COMMISSIONER ABSENT: Edward Yanai

STAFF PRESENT: Gordan Furutani, Executive Officer  
Joseph Chu, Planner  
Jay Nelson, Deputy Attorney General  
Dora Horikawa, Chief Clerk  
  
Genie Kelley, Court Reporter

HEARING

A81-518 - DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on January 22, 1982, and notices sent to all parties, a hearing was called by the Land Use Commission in the matter of a petition by the Department of Planning & Economic Development to reclassify 190.237 acres of land from the Conservation District into the Urban District at Keahole, Ooma 1st, Kalaoa 1st-4th, North Kona, Hawaii, Docket A81-518.

Appearances

Annette Chock - Deputy Attorney General, representing petitioner

Sidney Fuke - Planning Director, representing the Hawaii Planning Department

Intervention Request

It was determined by the Chairman that Ms. Elizabeth Stone who had requested to intervene in today's proceedings was not present in the audience. Therefore, upon motion by Commissioner

Cuskaden, seconded by Vice Chairman Whitesell, Ms. Stone's request to intervene was denied, by voice vote.

A description of the petitioned property was presented by Mr. Chu, staff planner.

All of the persons who appeared as witnesses today, having been duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

Exhibits

Petitioner's exhibits A, B-1, B-2, C-1, C-2, D and E were identified and admitted into evidence.

County's exhibits 1 through 5 and 5-A were admitted into evidence.

PETITIONER

James E. Powell - Director of Cargo, DHL Cargo

- Direct examination by Miss Chock-----14 to 16
- Examination by Vice Chairman Whitesell-----16
- Examination by Commissioner Cuskaden-----17
- Examination by Commissioner Tacbian-----17 to 18
- Examination by Chairman Yuen-----18

Steve Deboer - DHL Cargo Station Manager

- Direct examination by Miss Chock-----19 to 21
- Examination by Vice Chairman Whitesell-----21 to 22
- Examination by Commissioner Cuskaden-----22 to 24

Michael English - Director of Goods, DHL Cargo

- Direct examination by Miss Chock-----24 to 29
- Examination by Vice Chairman Whitesell-----30 to 32
- Examination by Chairman Yuen-----32 to 34
- Reexamination by Vice Chairman Whitesell-----34 to 36
- Examination by Commissioner Choy-----36

Tony Paloran - Airport Services Manager, DHL Cargo

Direct examination by Miss Chock-----37 to 38

Examination by Vice Chairman Whitesell-----39

Leslie Thuet - Aircraft owner

Direct examination by Miss Chock-----40 to 48

Examination by Commissioner Cuskaden-----48 to 53

Examination by Commissioner Choy-----53

Examination by Vice Chairman Whitesell-----54 to 55

William Jossy - Aircraft owner

Direct examination by Miss Chock-----55 to 58

Cross examination by Mr. Fuke-----58 to 60

Jim Nottage - Insurance Agent

Direct examination by Miss Chock-----60 to 64

Examination by Vice Chairman Whitesell-----64 to 66

Robert Chun - Airport Manager, Department of Transportation

Direct examination by Miss Chock-----67 to 79

Cross examination by Mr. Fuke-----79 to 91

Redirect examination by Miss Chock-----92 to 94

Examination by Commissioner Cuskaden-----94 to 96

Examination by Vice Chairman Whitesell-----96 to 99

Examination by Chairman Yuen-----99 to 102

HAWAII PLANNING DEPARTMENT

Norman Hayashi - Planner

Direct examination by Mr. Fuke-----103 to 105

Cross examination by Miss Chock-----105 to 109

Redirect examination by Mr. Fuke-----109 to 111

Norman Hayashi (cont.)

Examination by Commissioner Cuskaden-----111 to 112

Examination by Chairman Yuen-----112 to 114

Miss Chock requested a continuance of the hearing so that a representative from the County Water Department could be present to respond to questions regarding the availability of water in the subject area. It was agreed to continue the hearing until March 9, 1982.

Petitioner's exhibit F was moved into evidence at this time.

A81-524 - CAMBRIDGE PACIFIC, INC.

Pursuant to a notice published in the Honolulu Advertiser and the Hawaii Tribune Herald on January 22, 1982 and notices sent to all parties, a hearing was held by the Land Use Commission in the matter of a petition by Cambridge Pacific, Inc. to reclassify approximately 65 acres from the Conservation District into the Urban District at Kaupulehu, North Kona, Hawaii, Docket A81-524.

Appearances

Roy Takeyama - Attorney representing the petitioner

Sidney Fuke - Planning Director, representing the  
Hawaii Planning Department

Annette Chock - Deputy Attorney General, representing  
the Dept. of Planning & Economic Development

Request for Intervention

Chairman Yuen disqualified himself from consideration of the untimely request from William Tagupa, staff officer of the Office of Hawaiian Affairs, to intervene in the present proceedings, and turned the meeting over to Vice Chairman Whitesell.

Counsels for all the parties were given an opportunity to present their positions regarding the intervention request. Mr. Tagupa was also permitted to speak in support of his request.

Commissioner Cuskaden moved to deny the request for intervention by Mr. Tagupa. It was seconded by Commissioner Tacbian and unanimously carried.

Vice Chairman Whitesell recommended that Mr. Tagupa be permitted to testify as a public witness in behalf of the Office of Hawaiian Affairs.

Chairman Yuen returned to conduct the proceedings.

Staff planner oriented the Commission to the parcel under petition and identified the uses and land classification of the surrounding area.

All of the persons who appeared as witnesses today, having been duly sworn in, testified and were examined as set forth in the transcript on the pages noted.

Public Witnesses

Elizabeth Ann Stone

Ms. Stone, who had made an untimely request to appear as a witness, was not present at this time.

Herbert Kane - Artist, Designer and Author

Oral testimony-----17 to 19

William Tagupa - Office of Hawaiian Affairs

Oral testimony-----20 to 23

Cross examination by Mr. Takeyama-----23 to 25

Cross examination by Mr. Fuke-----25 to 28

Cross examination by Miss Chock-----28 to 38

Examination by Commissioner Cuskaden-----38 to 44

Examination by Commissioner Choy-----45

Exhibits

Petitioner's exhibits 1 through 11 were identified and moved into evidence.

County's exhibits 1 through 3 were admitted into evidence.

DPED's exhibit A was admitted into evidence.

PETITIONER

Francis Oda - Architect and Physical Planner

Direct examination by Mr. Takeyema-----49 to 79  
Cross examination by Mr. Fuke-----79 to 81  
Cross examination by Miss Chock-----81 to 84  
Examination by Commissioner Cuskaden-----85 to 97  
Examination by Vice Chairman Whitesell-----97 to 100

Chairman Yuen announced that the Commission will conduct a site inspection of the subject property, off the record, and any discussion which transpires during the site visit will not become a part of the record of this proceeding. All parties agreed to the stipulation.

The Commission recessed at 5:05 p.m.